

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JAMES KENNEDY, BESA KENNEDY :
Plaintiffs, :
 :
v. : No. 3:19-CV-260 (VLB)
 :
FREDERICK CARUSO ET AL., :
Defendants. : March 16, 2020

ORDER on [69] Motion to Quash and Motion for a Protective Order

The Court grants in part and denies in part Mr. Robert Owsiany's motion for a protective order and motion to quash.

Preliminarily, Plaintiffs do not cite any support for their claim that Mr. Owsiany's motion is procedurally deficient, so the Court considers the motion on its merits.

The Court must quash a subpoena which subjects a person to undue burden, Fed. R. Civ. P. 45(d)(3)(A), and may issue a protective order to protect a person from undue burden. Fed. R. Civ. P. 26(c)(1). When determining undue burden, courts consider relevance, the party's need for the information, the breadth of the request, and the burden imposed. *Concord Boat Corp. v. Brunswick Corp.*, 169 F.R.D. 44, 49 (S.D.N.Y. 1996).

Here, the Court finds that the subpoena does not impose an undue burden as far as it requests that Mr. Owsiany provide "all recorded communications with Frederick Caruso, Stacey Cox, or Carmina Hirsch since January 1, 2009." This request is directly relevant to the case at hand, and Mr. Owsiany has not stated that providing answers imposes any burden on him. Mr. Owsiany must answer this request for production, even if only by declaring that he does not have such materials.

